

Handwritten initials and signature

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0034

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

1017753-000154

First named inventor: Therese DE BIZEMONT et al.

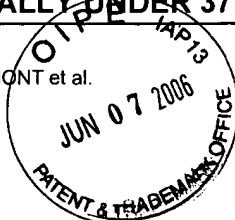
Application No.: 09/836,439

Art Unit: 1635

Filed: April 17, 2001

Examiner: R. Schnizer

Title: GENE THERAPY WITH CHIMERIC OLIGONUCLEOTIDES DELIVERED BY A METHOD COMPRISING A STEP OF IONTOPHORESIS



Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Petition for Extension of Time (2 months) (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

06/08/2006 SZEWDIE1 00000073 09836439

B. The issue fee and publication fee (if applicable) of \$ 01 FC+1453

1500.00 DP

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.


3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

June 7, 2006

Date

Lisa E. Stahl

Typed or printed name

56,704

Registration Number, if applicable

P.O. Box 1404

Address

703-838-6609

Telephone Number

Alexandria, VA 22313

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: See Attached Additional Enclosures Sheet

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

Additional Enclosures:

Petition for Extension of Time (2 months) for the present application

Form PTO-2038 - Credit Card Charge Authorization Form

Petition for Extension of Time filed October 18, 2004 in
Application Serial No. 10/965,905

Check No. 168157 for 2 Month Extension of Time filed October 18, 2005
in Application Serial No. 10/965,905



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Re Patent Application of

Therese DE BIZEMONT et al.

Application No.: 09/836,439

Filed: April 17, 2001

For: GENE THERAPY WITH CHIMERIC
OLIGONUCLEOTIDES DELIVERED
BY A METHOD COMPRISING A
STEP OF IONTOPHORESIS

) **Mail Stop Petition**

) Group Art Unit: 1635

) Examiner: R. SCHNIZER

) Confirmation No.: 5851

COMMENTS ON PETITION TO REVIVE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request revival of the present application for purposes of copendency only. Specifically, Applicants request that the present application be considered pending as of the October 18, 2004, the filing date of continuation application 10/965,905, which claims priority to the present application. This petition should be granted because abandonment of the present application prior to October 18, 2004, was wholly unintentional. In addition, any delay in filing a Petition for Revival under 37 C.F.R. § 1.137(b) was also unintentional.

In this regard, a Petition for two months Extension of Time (PET) and the required fee, needed to maintain the pendency of the present application, was filed in the U.S. Patent and Trademark Office on October 18, 2004. (Copies of the PET and the corresponding canceled check are enclosed.) Applicants intended to file the PET and fee in the present application, and noted in the PET that the extension was requested in order to respond to an Office Action, Advisory Action, and Notice of Appeal in the present application. A PET was clearly inappropriate in the continuation application, which was filed concurrently. However, because the PET inadvertently failed to identify the present application by application number, the PET was filed with the continuation application rather than with the present application.

Further, Applicants did not know that the PET had not been entered in the present application until after April 18, 2006. A Notice of Abandonment was received in the present application; however, the Notice was dated February 23, 2005, and did not indicate that abandonment had occurred prior to October 18, 2004.

Applicants only became aware of the problem upon review of the Office Action dated April 18, 2006, in the continuation application, in which the Examiner stated that the present application was abandoned on August 19, 2004.

In conclusion, Applicants clearly intended to maintain the pendency of the present application until October 18, 2004, and made a good faith effort to do so. In addition, Applicants were not aware of the earlier abandonment date until after April 18, 2006. Thus, any abandonment prior to October 18, 2004, or delay in filing a Petition for Revival was wholly unintentional.

Accordingly, Applicants respectfully request withdrawal of the abandonment date of August 19, 2004, and revival of the present application such that the abandonment date is extended to at least October 18, 2004.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: June 7, 2006

By:



Lisa E. Stahl

Registration No. 56,704

P.O. Box 1404
Alexandria, VA 22313-1404
703.836.6620

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Therese De Bizemont et al.

Application No.: Unassigned

Filing Date: Unassigned

Title: GENE THERAPY WITH CHIMERIC OLIGONUCLEOTIDES DELIVERED BY A METHOD
COMPRISING A STEP OF IONTOPHORESIS

Group Art Unit: Unassigned

Examiner: Unassigned

Confirmation No.: Unassigned



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME

Sir:

The following extension of time is requested to: respond to Official Action mailed December 18, 2003;
Advisory Action mailed April 7, 2004; and Notice of Appeal filed June 18, 2004.

two months to October 18, 2004 ☐ \$215.00 (2252) ☒ \$430.00 (1252)

☐ The shortened statutory period has been reset by an Advisory Action dated _____.

☒ An extension fee in the amount of \$ 430.00 is enclosed.

☐ Charge _____ to Deposit Account No. 02-4800.

☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17 and
1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.
This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

By Deborah H. Yellin
Deborah H. Yellin
Registration No. 45,904

Date: October 18, 2004

10/20/2004 STEUHEL1 00000013 10965905

01 FC:1252

430.00 DP

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. BOX 1404

ALEXANDRIA, VIRGINIA 22313-1404

SUNTRUST

65-270-550

168157

NO.

DATE

AMOUNT

168157

Oct 18/04

\$430.00***

PAY

FOUR HUNDRED THIRTY AND 00/100 DOLLARS

TO THE
ORDER
OF

COMMISSIONER OF PATENTS AND TRADEMARKS

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

⑈ 168157 ⑈ ⑆ 055002707 ⑆ 202988260 ⑈

⑈ 0000043000 ⑈



PATENT AND TRADEMARK OFFICE

12-10-0003

10-20-2004


FOR CREDIT TO THE

U.S. TREASURY

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

1109 15909

03100001104
MACHINIA WA 540021 04147
PHILA. PA 10212004 2004



The security features listed below, as well as those not listed, exceed industry guidelines

Security Features	Results of document alteration
MicroPrint signature line	Small type in signature line appears as dotted line when photocopied
Chemical Protection	Stains or spots appear with chemical alteration
Security Screen	Absence of Original Document
	Verbiage on back of check

© Padlock design is a certification mark of the Check Payment Systems Association

* FEDERAL RESERVE BOARD OF GOVERNORS REG. CC.